

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL A. MANCONE,

Plaintiff,

Vs

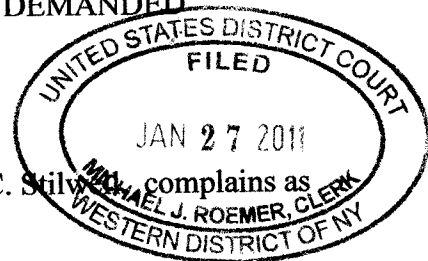
NORTHSTAR LOCATION SERVICES, LLC
D/B/A THE NORTHSTAR COMPANIES,

Defendants.

COMPLAINT
Civ. No.

11 CV 0082-S

JURY TRIAL DEMANDED



Plaintiff, Michael A. Mancone, by his attorney, Raymond C. Stilson, complains as follows:

1. This action is brought pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* (the "FDCPA"), and alleges that the defendant debt collector committed multiple violations of the statute in an effort to collect a debt from the plaintiff.

2. This complaint seeks damages pursuant to the FDCPA including statutory damages and plaintiff's attorneys fees.

PARTIES

3. Plaintiff Michael A. Mancone is a resident of the this District in the County of Erie, State of New York.

4. The defendant, Northstar Location Services LLC d/b/a The Northstar Companies, (hereinafter "Northstar") is a domestic limited liability company with its principal office in the County of Erie, State of New York. Upon information and belief, Northstar also transacts business, and did transact business with plaintiff, under the assumed name of "The Northstar Companies," although such name is not registered with the Erie County Clerk as required by law for the transaction of such business within such county.

5. Northstar is a "debt collector" as defined by the FDCPA, section 1692a(6).

JURISDICTION

6. This action was brought pursuant to the FDCPA, 15 U.S.C. §1692 *et seq.*

Jurisdiction over plaintiff's complaint under New York Civil Rights Law is specifically provided by 15 U.S.C. §1692k(d).

7. Venue is proper in the Western District of New York pursuant to 28 U.S.C. §1391 in that the Western District of New York is the judicial district where the parties reside and the judicial district where substantial part of the events giving rise to the claims occurred.

STATEMENT OF FACTS

8. On January 28, 2010, plaintiff received a telephonic message on his voice mail from the defendant. The message stated as follows:

"Hi, this is a preventative notification call to advise of a matter filed in my office regarding the name and social security number attached to Michael Mancone. This is Mr. Lindberg calling from the pre-litigation department of Northstar. There is a matter that was sent over to this office here that requires your alert and immediate attention. Mr. Mancone I would suggest that you or your representing party contact my office immediately at 866-677-2569. Michael they are giving you one opportunity to make a voluntary statement of intent on your behalf prior to this issue moving forward. Your file number that was assigned here is 9-981863. Once again Michael Mancone contact Mr. Lindberg, pre-litigation department of Northstar, phone number again is 866-677-2569. Mr. Mancone you have been notified."

9. Such notice did not contain an identification of the caller as a debt collector, did not warn the plaintiff that any information obtained could be used for that purpose, and was intended to convey the false impression that the matter was in a litigation status which was, in fact, not true.

FIRST CAUSE OF ACTION PURSUANT TO THE FDCPA

10. Plaintiff repeats and realleges each of the allegations contained paragraphs "1" through "9" as if fully set forth herein.

11. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:


- (a) Defendant violated 15 U.S.C. § 1692(e)(2)(A) by making a false representation regarding the character, amount, or legal status of a debt.
- (b) Defendant violated 15 U.S.C. § 1692(e)(5) by threatening to take an action that cannot be taken or that is not intended to be taken.
- (c) Defendant violated 15 U.S.C. § 1692(e)(11) by failing to notify plaintiff that the communication was from a debt collector.

12. As a result of the above violations of the FDCPA, the defendant is liable to the plaintiff for plaintiff's actual damages, statutory damages, and costs and attorney's fees.

WHEREFORE: Plaintiff demands judgment in his favor and against the defendants and requests the award of damages in the form of:

- a. Actual damages as determined by the Court;
- b. Statutory damages in the sum of \$3,000.00;
- c. Attorney's fees and costs;
- d. And such other and further relief as this Court deems just and proper.

Dated: January 27, 2011


/s/ Raymond C. Stilwell
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